

FILED
U.S. DISTRICT COURT E.D.N.Y.
SEP 18 2015

LONG ISLAND OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Jarrett R. Jenkins,

Plaintiff,

Case 2:15-cv-04090-SJT-AKT

AMENDED COMPLAINT

-against-

Portfolio Recovery Associates, L.L.C.,

TRIAL BY JURY DEMANDED

Defendant,
_____X

Comes now the Plaintiff Jarrett R. Jenkins respectfully submits and alleges as follows:

PARTIES

1. Plaintiff Jarrett R. Jenkins resides at 334 Locust Street, Apt-1, West Hempstead, NY 11552-3044.
2. Defendant Portfolio Recovery Associates, LLC (PRA) is a foreign company under the laws of Delaware and is registered with the Secretary Of State of New York State and has a main office address at 120 Corporate Blvd., Suite-100, Norfolk, VA 23502-4962.
3. Upon information and belief its registered agent is Corporation Service Company, 80 State Street, Albany, NY 12207-2543.

JURISDICTION AND VENUE

4. Jurisdiction of this Court arises under the Telephone Consumer Protection Act (hereinafter "TCPA"), 47 U.S.C. §227 (b)(3) and 28 U.S.C. §1331, 1367, 1441 and 1446.
5. Venue is proper in this district because the cause of action arose in Nassau County which is located in the Eastern District Of New York.
6. Defendant, Portfolio Recovery Associates, LLC (PRA) is a foreign company under the laws of Delaware and is registered with the Secretary Of State of New York State and has a main office address at 120 Corporate Blvd., Suite-100, Norfolk, VA 23502-4962.

7. Upon information and belief its registered agent is Corporation Service Company, 80 State Street, Albany, NY 12207-2543.

GENERAL ALLEGATIONS

8. On June 23, 2011 at 9:03:36 AM PRA called Plaintiff's wireless phone number **516-841-3132** using ATDS capable equipment without Plaintiff's prior express consent.

9. The call made by the Defendant was made with an automatic telephone dialing system (ATDS) capable equipment to Plaintiff's wireless telephone.

10. The call made to Plaintiff's wireless phone was not for an emergency purpose and was made without the consent, express or otherwise, of the Plaintiff having been given at anytime.

11. The Plaintiff has never had any business with Portfolio at any time.

12. The Plaintiff attempted to mitigate damages by sending Defendant a settlement demand letter but the Defendant declined to mitigate.

COUNT I
TELEPHONE CONSUMER PROTECTION ACT (TCPA) VIOLATIONS

13. Paragraphs 1 through 12 are re-alleged as though fully set forth herein.

14. Plaintiff asserts a violation of 47 U.S.C. §227(b)(1)(A)(iii) as follows:

15. On June 23, 2011 at 9:03:36 AM PRA called Plaintiff's wireless phone number **516-841-3132** using ATDS capable equipment without Plaintiff's prior express consent.

REMEDY SOUGHT


WHEREFORE, Jarrett R. Jenkins prays that the Court enter an order that:

- a. Declares' that the Defendant's conduct violated the TCPA 47 U.S.C. §227;
- b. Awards Plaintiff statutory damages pursuant to 47 U.S.C. §227(b)(3)(B) of \$500 and/or treble the damages for willful and knowing violation of the statute pursuant to 47 U.S.C. §227(b)(3)(c) of \$1,500;

- c. Awards Plaintiff any fees and costs incurred in this action;
- d. Awards Plaintiff any post-judgment interest as may be allowed under the law;
- e. Awards such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

September 18, 2015


Jarrett R. Jenkins, Plaintiff
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West Hempstead, NY 11552-3044
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